

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES VILLA,

Defendant.

8:12-CR-331

ORDER

The defendant has written the Court asking for documents and for counsel to be appointed for him. [Filing 100](#). Those requests will be denied.

First, the defendant has asked for copies of his docket sheet and judgment of conviction. [Filing 100](#). In accordance with court auditing requirements, the Clerk must receive payment before the copies can be sent. The defendant's docket sheet is 7 pages at 50¢ per page, and the judgment is 6 pages at 50¢ per page, for a total of \$6.50. The defendant can send that payment by check or money order payable to Clerk, U.S. District Court.

The defendant has also asked the Court to appoint counsel to "look into" whether legalization of marijuana in Nebraska would affect his federal conviction for possession of marijuana with intent to deliver it. [Filing 100](#). The premise of his request is erroneous: contrary to his belief, marijuana has not been legalized in Nebraska.<sup>1</sup> And even if it had been, it wouldn't matter: the defendant was convicted under a federal law criminalizing marijuana—[21 U.S.C. § 841](#)—and where there is a conflict between federal and state law with

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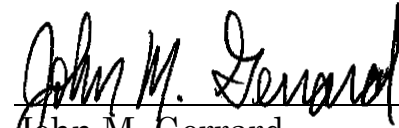
<sup>1</sup> A bill to legalize medical marijuana was introduced in the last legislative session, but failed to advance when it couldn't muster enough votes to overcome a filibuster. *See* LB 474, 107th Leg., 1st Sess., Legis. J. 1417-18 (May 12, 2021).

respect to marijuana, the Supremacy Clause unambiguously provides that federal law prevails. *United States v. Schostag*, 895 F.3d 1025, 1028 (8th Cir. 2018) (citing *Gonzales v. Raich*, 545 U.S. 1, 29 (2005)). There is, accordingly, no basis to appoint counsel. See *United States v. Harris*, 568 F.3d 666, 669 (8th Cir. 2009).

IT IS ORDERED that the defendant's motion for copies and to appoint counsel ([filing 100](#)) is denied.

Dated this 14th day of June, 2021.

BY THE COURT:

  
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John M. Gerrard  
Chief United States District Judge